

**STATE OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

Proceeding by the Department of)	
Telecommunications and Energy on Its Own)	
Motion To Implement the Requirements Of)	DTE. 03-60
The Federal Communications Commission's)	
Triennial Review Order Regarding Switching)	
For Mass Market Customers)	

**CONVERSENT COMMUNICATIONS OF MASSACHUSETTS, LLC'S THIRD SET OF
INTERROGATORIES TO VERIZON**

Conversent Communications of Massachusetts, LLC ("Conversent") hereby requests that Verizon respond fully to each of the following interrogatories based on all information that is in its possession, custody or control, including that information which is in the constructive possession of Verizon. Conversent requests that Verizon produce responses to these interrogatories in the offices of Conversent, 222 Richmond Street, Suite 301, Providence, RI 02903 within seven (7) days of the date of service of these interrogatories.

DEFINITIONS

1. "Affiliate" means "a person or entity that directly or indirectly owns or controls, is owned or controlled by, or is under common ownership or control with, another person or entity. For purposes of this paragraph, the term 'own' means to own an equity interest (or the equivalent thereof) of more than 10 percent." 47 U.S.C. § 153(1). Conversely, "Unaffiliated" means a person or entity that does not meet the definition of Affiliate.
2. "Verizon", "you" and "your" mean Verizon and any other person or entity acting on its behalf, including, but not limited to, its attorneys, agents, investigators, clerks, experts, representatives, consultants and other related corporate entities and affiliates.

3. "FCC's Impairment Triggers for Dark Fiber Dedicated Transport" means those triggers for dark fiber dedicated transport set forth in the Federal Communications Commission's ("FCC's") Triennial Review Order.¹

Under the Triennial Review Order, a finding of non-impairment is permitted with regard to dark fiber dedicated transport where three or more unaffiliated competing carriers each have deployed dedicated dark fiber transport facilities on the same route to provide service to their own retail customers (the self-provisioning trigger); *or* where two or more competing carriers each has deployed its own dark fiber and offers it at wholesale on the same route (wholesale trigger).

The following factors are considered when reviewing dark fiber transport facilities used to provide services to the competitor's own retail customers: (1) competitive dark fiber transport providers must be unaffiliated with the incumbent LEC and each other; (2) each self-provisioned facility along a route must be operationally ready to provide transport into or out of an incumbent LEC's central office for purposes of serving the competitor's own retail customers; (3) dark fiber transport facilities must terminate in a collocation arrangement in an incumbent LEC central office which may be arranged pursuant to contract, tariff or, where appropriate, 47 U.S.C. §251(c) (6); and (4) when dark fiber transport facilities are used to provide service to the competitor's retail customers, the competitor must have constructed the facility or acquired it from another carrier pursuant to a long-term IRU or similar arrangement (but not as an unbundled network element from the incumbent LEC) in order for it to qualify as the competitor's own dark fiber transport facility.

The following factors are considered when reviewing dark fiber transport facilities used to provide services to wholesale customers: (1) competitive wholesale transport providers must be

¹ *In re: Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, CC Docket No. 01-338; *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98; *Deployment of Wireline Services Offering Advanced Telecommunications Capability*, CC Docket No. 98-147, Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, FCC 03-36 (rel. Aug. 21, 2003) ("Triennial Review Order").

unaffiliated with each other and the incumbent LEC; (2) when a wholesale transport provider makes available at wholesale dark fiber that it has constructed or acquired from another carrier pursuant to a long-term IRU or similar arrangement (but not as an unbundled network element from the incumbent LEC), that facility qualifies as the competitor's own dark fiber transport facility; (4) competitive dark fiber transport providers must be operationally ready and willing to provide the dark fiber transport on a wholesale basis along the specific route; and, (5) competitive transport providers must make the dark fiber transport widely available.

GENERAL INSTRUCTIONS

You are instructed to respond to the set interrogatories fully and completely. The words "and" and "or" as they are used in these interrogatories shall be interpreted in the conjunctive to require responses to all sub-parts and all categories within each interrogatory. With respect to each interrogatory, all information is to be divulged which is in your possession, custody, or control, including that information which is in your constructive possession. All answers must be made separately and stated in writing under oath by an officer of Verizon. When an interrogatory calls for an answer in more than one part, each part should be separated in the answer so that the answer is clearly understandable. You are also under a continuing duty to amend prior discovery responses if you obtain information which renders a discovery response incorrect when made, or if said response was correct when made, but is no longer correct in light of new or additional information.

INTERROGATORIES

CONV-VZ 3-1: Please indicate if Verizon is seeking a finding of non-impairment for dedicated dark fiber transport for the routes specified below. If the answer for any of these routes is yes, please separately identify the three or more entities that you believe have deployed dedicated dark fiber transport along the route to provide service to their retail customers, if applicable, and the two or more

competing carriers that you believe have deployed their own fiber and offer such dark fiber at wholesale along the route.

Wire Center 1	Wire Center 1 Name	Wire Center 2	Wire Center 2 Name
BLRCMAAN	BILLERICA	BURLMABE	BURLINGTON
LWLLMAAP	LOWELL	BLRCMAAN	BILLERICA
MRBOMAMA	MARLBOROUGH	FRMNMAUN	FRAMINGHAM

CONV-VZ 3-2: For each of the routes that you have identified in your response to CONV-VZ 3-1 above, please describe in detail the factual basis for your claim that the three or more carriers that you identified have deployed dedicated dark fiber transport facilities along the route to provide service to their retail customers. Identify each paper, writing or document that you rely on to support your claims. Please attach as a rider to this interrogatory the true copies of all such documents.

CONV-VZ 3-3: For each of the routes that you have identified in your response to CONV-VZ 3-2 above, please describe in detail the factual basis for your claim that the two or more carriers that you identified have deployed their own dark fiber and offer it at wholesale along the same route. Identify each paper, writing or document that you rely on to support your claims. Please attach as a rider to this interrogatory the true copies of all such documents.

CONV-VZ 3-4: Has Verizon developed a cost study and supporting testimony for basic WPTS hot cuts that it is putting forward in this proceeding? If it has, what is the proposed rate for a basic WPTS hot cut and who are the supporting witnesses? If not, when does Verizon intend to file a WPTS hot cut cost model and supporting testimony and in what docket does it intend to file them?

Dated: November 24, 2003

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